HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 9275 OF 2006

DATED: 28.4.2006

Between:

Mr.C. Srinivas Yadav

… Petitioner

and

Commissioner of Police, Cyberabad,

R.R. District and others

… Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.9275 OF 2006

ORAL ORDER:

The writ petition is filed, seeking quashing of the proceedings in Cr.No.120 of 2006 on the file of the 2nd respondent. The 5th respondent made a complaint which reads as under:

> *"I, Ch. Prasad, S/o Sri Vishwanath, R/o East Chandragiri Colony, R.K. Puram, Hyderabad pleased to inform you that: Yesterday night i.e., on 21.4.2006 at about 8.00 pm (night hours) one Mr. C. Srinivasa Yadav, and his father Mr. Amarkrishna Yadav and his 4 henchmen forcibly came to my plot bearing No:4 and 6, in Survey No:218/1, admeasuring 350 sq.yds each, totalling to 700 sq.yds situated at Defence Colony, Housing Cooperative Society under Malkajigiri Municipality and bet the watchman and threatened him spoiled the material which are kept on the ground, and abused him and threatened him by saying that the plot belongs to them, within 24 hours, you have to vacate the place and remove the materials and stop the works, otherwise we will kill your owner. Immediately the watchman phoned me, then I approached the spot along with my partner Sri Pavan Kumar Reddy, we found Srinivas Yadav, his father Amarakrishna Yadav and 4 others are on the spot. And also we found Tata Indicom bearing No.AP 9 Y 1036 white colour and 2 numbers of Hero Honda Spledor motorcycles are on the spot. As and when we approached the ground Mr. Srinivasa Yadav and Amara Krishna Yadav starting quarreling with us and demanded us to stop the works and vacate the place and they thrown us and threatened us, afterwards they gone away. I am herewith informing you that the above said plots were purchased by me and my partner. We are having all the relevant documents relating to that plots. And also we are having relevant permission from the Malkajgiri Municipality and HUDA.*
>
> *The above said Mr. Srinivasa Yadav and his father have no way concerned about my plots. They are illegally and forcibly entered into my plots and trying to encroach those property. Hence, I am requesting your goodselves to look the matter and take necessary steps against the above said culprits and save us and my property and do the justice."*

On the face of it, the complaint does set out information regarding the commission of a cognizable offence. The truth or falsity of these allegations cannot be gone into at this point of time. On behalf of the petitioner, it is alleged that there

are tendentious disputes of a civil nature between the petitioner and the 5th respondent, on account of which the 5th respondent made a false complaint and that the events mentioned in the complaint are untrue.

Such is not the scope of an enquiry under Article 226 of the Constitution of India in a challenge against the registration of a complaint under Section 154 of Cr.P.C. The submissions urged on behalf of the petitioner do not come within the legal principles spelt out in ***STATE OF HARYANA AND OTHERS V. CH. BHAJAN LAL (1.)***

Therefore, no relief is warranted. The writ petition is accordingly dismissed. No order as to costs.

GODA RAGHURAM, J

Date: 28.4.2006

CVM